

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JESSICA L. COOPER :
 :
Plaintiff, :
 :
v. : 3:11-cv-712
 :
ANTHONY A. LIPPA, JR., et al. :
 :
Defendants. :

**DEFENDANT, ANTHONY A. LIPPA, JR.'S ANSWER
TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

COMES NOW the Defendant, Anthony A. Lippa, Jr., (hereinafter referred to as "Defendant" or "Lippa"), by and through his counsel, Alexander Francuzenko, Esq. and the law firm of Cook, Craig & Francuzenko, PLLC and files this Answer to the Amended Complaint and states the following:

FIRST DEFENSE

The Amended Complaint fails to state a cause of action upon which relief can be granted.

SECOND DEFENSE

Defendant denies all allegations of misconduct alleged against him in the Amended Complaint and states that the allegations are meritless and without basis in fact. All allegations not specifically admitted are hereby denied.

THIRD DEFENSE

Defendant denies the allegations contained in Plaintiff's Amended Complaint and responds to each paragraph as follows:

1. Defendant objects to Paragraph 1 as it simply contains argument and innuendo. Defendant neither admits nor denies the information contained in Paragraph 1 as it sets forth legal conclusions without basis in fact or merit.

2. Defendant neither admits nor denies the allegations contained in Paragraph 2 as it sets forth legal conclusions.

3. Defendant neither admits nor denies the allegations contained in Paragraph 3 as it sets forth legal conclusions.

4. Defendant does not have sufficient information to admit or deny the allegations contained in Paragraph 4 of the Amended Complaint.

5. Defendant admits that he is a person residing in Caroline County. Defendant neither admits nor denies the remaining allegations contained in Paragraph 5 it seeks a legal conclusion.

6. Defendant admits the allegations contained in Paragraph 6 of the Amended Complaint.

7. Defendant neither admits nor denies the allegations contained in Paragraph 7 as it sets forth legal conclusions.

8. Defendant neither admits nor denies the allegations contained in Paragraph 8, as Blasiol is no longer a Defendant in this case.

9. Defendant neither admits nor denies the allegations contained in Paragraph 9, as Blasiol is no longer a Defendant in this case.

10. Defendant neither admits nor denies the allegations contained in Paragraph 10 of the Amended Complaint, as Brennan is no longer a Defendant in this case.

11. Defendant neither admits nor denies the allegations contained in Paragraph 11 of the Amended Complaint, as Brennan is no longer a Defendant in this case.

12. Defendant admits that Lipscomb is an adult male residing in Caroline County. Defendant neither admits nor denies the remaining allegations contained in Paragraph 12 of the Amended Complaint as it is a legal conclusion.

13. Defendant neither admits nor denies the allegations contained in Paragraph 13 as it sets forth legal conclusions.

14. Defendant denies the allegations contained in Paragraph 14 of the Amended Complaint.

15. Defendant denies the allegations contained in Paragraph 15 of the Amended Complaint.

16. Defendant denies the allegations contained in Paragraph 16 of the Amended Complaint.

17. Defendant does not have sufficient information to admit or deny the allegations contained in Paragraph 17 of the Amended Complaint.

18. Defendant denies the allegations contained in Paragraph 18 of the Amended Complaint.

19. Defendant denies the allegations contained in Paragraph 19 of the Amended Complaint.

20. Defendant denies the allegations contained in Paragraph 20 of the Amended Complaint.

21. Defendant denies the allegations contained in Paragraph 21 of the Amended Complaint.

22. Defendant denies the allegations contained in Paragraph 22 of the Amended Complaint.

23. Defendant denies the allegations contained in Paragraph 23 of the Amended Complaint.

24. Defendant denies the allegations contained in Paragraph 24 of the Amended Complaint.

25. Defendant denies the allegations contained in Paragraph 25 of the Amended Complaint.

26. Defendant denies the allegations contained in Paragraph 26 of the Amended Complaint.

27. Defendant denies the allegations contained in Paragraph 27 of the Amended Complaint.

28. Defendant denies the allegations contained in Paragraph 28 of the Amended Complaint.

29. Defendant denies the allegations contained in Paragraph 29 of the Amended Complaint.

30. Defendant denies the allegations contained in Paragraph 30 of the Amended Complaint.

31. Defendant denies the allegations contained in Paragraph 31 of the Amended Complaint.

32. Defendant denies the allegations contained in Paragraph 32 of the Amended Complaint.

33. Defendant denies the allegations contained in Paragraph 33 of the Amended Complaint.

34. Defendant denies the allegations contained in Paragraph 34 of the Amended Complaint.

35. Defendant denies the allegations contained in Paragraph 35 of the Amended Complaint.

36. Defendant denies the allegations contained in Paragraph 36 of the Amended Complaint.

37. Defendant denies the allegations contained in Paragraph 37 of the Amended Complaint.

FOURTH DEFENSE

Defendant raises the affirmative defense of sovereign immunity.

FIFTH DEFENSE

Defendant raises the affirmative defense of qualified immunity.

SIXTH DEFENSE

The Defendant has at all relevant times complied with all applicable federal, state, and/or other regulations, laws and standards.

SEVENTH DEFENSE

The Defendant's actions were privileged.

EIGHTH DEFENSE

Plaintiff's claim is barred by the illegality of her conduct.

NINTH DEFENSE

Plaintiff's claim is barred by assumption of the risk.

TENTH DEFENSE

Plaintiff's claim is barred by contributory negligence.

ELEVENTH DEFENSE

Plaintiff was cognizant and aware of all the facts, circumstances and conditions existing and consented to, permitted, acquiesced, actively encouraged and/or voluntarily assumed the risk therefrom and attendant thereto.

TWELFTH DEFENSE

Defendant denies Plaintiff suffered any losses or damages, in any event, any losses or damages sustained by the Plaintiff were *de minimis*, remote, speculative and/or transient and hence, are not cognizable as a matter of law.

THIRTEENTH DEFENSE

Plaintiff failed to mitigate any damages allegedly sustained.

FOURTEENTH DEFENSE

The business of the Defendant is in the public interest, convenience and necessity and it is operated and conducted in a reasonable manner in compliance with the law.

FIFTEENTH DEFENSE

Defendant denies Plaintiff's allegations to justify an award of punitive damages and asserts that an award of punitive damages under the facts and circumstances alleged are a violation of the Defendant's constitutional rights.

SIXTEENTH DEFENSE

The Defendant reserves the right to supplement this Answer after discovery has been conducted.

WHEREFORE, the Defendant respectfully requests that this Honorable Court grant the following relief: 1) dismiss Plaintiff's Complaint with prejudice; 2) deny all prayers for relief contained in Plaintiff's Complaint; 3) award Defendant attorney's fees and costs to defend this action; and 4) grant the Defendant such further relief as this Honorable Court may deem just and proper.

Respectfully submitted,

_____/s/_____
Alexander Francuzenko, VSB 36510
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and Lipscomb
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2012, I served a copy of the foregoing Defendant, Anthony A. Lippa, Jr.'s Answer to Plaintiff's First Amended Complaint via ECF and U. S. Mail on counsel for the Plaintiff addressed as follows:

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